

Introduced by Senator Liu

February 6, 2013

An act to amend Sections 4019.2, 4101, 4102, 4103, 4104, 4105, 4108, 4109, 4110, 4111, 4112, 4121, 4129, 4130, 4131, 4131.5, 4133, 4134, 4135, 4136, and 4137 of the Penal Code, and to amend Sections 4951, 4952, 4953, 4956, and 4957 of, and to add Section 4959 to, the Public Resources Code, relating to conservation camps.

LEGISLATIVE COUNSEL'S DIGEST

SB 188, as introduced, Liu. Conservation camps: county-operated camps.

Existing law establishes the California Conservation Camp program to provide for the training and use of the inmates and wards assigned to conservation camps in the furtherance of public conservation. Existing law requires the Department of Forestry and Fire Protection to use inmates and wards assigned to conservation camps for fire prevention, fire control, and other work of the department, and authorizes the department to enter into contracts or cooperative agreements with a public agency, local, state, or federal, or with a qualified nonprofit organization that has a demonstrated ability to plan, implement, and complete a conservation project, and that meets specified criteria as determined by the department, for the performance of other conservation projects that are appropriate for those public agencies or that nonprofit organization under policies that are required to be established by the Prison Industry Authority.

This bill would instead require that the Department of Corrections and Rehabilitation utilize inmates and wards assigned to conservation camps in performing fire prevention, fire control, and other work of the Department of Forestry and Fire Protection, and would authorize the

department to enter into contracts and cooperative agreements for the performance of these conservation projects, as prescribed. The bill would also authorize a county sheriff to utilize inmates assigned to county conservation camps in performing fire prevention, fire suppression and control, and other work as may be assigned by the sheriff.

Existing law authorizes the establishment in each county of an industrial farm or industrial road camp in which prisoners are held in custody and required to work on the farm or camp, and prescribes procedures for the adoption of a resolution by a county board of supervisors before establishing such an industrial farm or road camp. Existing law authorizes the legislative body of any incorporated city to avail itself of the use of the industrial farm or road camp upon adoption of a resolution and subject to reimbursing the county for the care of the city's prisoners.

This bill would additionally authorize the establishment in each county of a conservation camp, as defined. The bill would permit an industrial farm, industrial road camp, or conservation camp to be operated by the sheriff or the director of the county department of corrections who would be required to establish administrative rules consistent with the rules of the jail, or to be operated as an entity separate from the county jail administered by a superintendent subject to administrative rules adopted by the board of supervisors. The bill would make existing statutory provisions that govern the administration and operation of an industrial farm or industrial road camp also applicable to a conservation camp. The bill would also authorize a county to establish conservation camps for women prisoners in accordance with prescribed requirements.

Existing law specifies that any inmate sentenced to county jail who is assigned to a conservation camp by a sheriff and who is eligible to earn one day of credit for every one day of incarceration shall instead earn 2 days of credit for every one day of service.

This bill would make these provisions governing incarceration credits applicable instead to any inmate sentenced to a county jail who is assigned to a state- or county-operated conservation camp by a sheriff.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4019.2 of the Penal Code is amended to read:

4019.2. (a) Notwithstanding any other law, ~~any~~ *an* inmate sentenced to county jail *who is* assigned to a *state- or county-operated* conservation camp by a sheriff and who is eligible to earn one day of credit for every one day of incarceration pursuant to Section 4019 shall instead earn two days of credit for every one day of service.

(b) Notwithstanding any other law, ~~any~~ *an* inmate who has completed training for assignment to a conservation camp or to a state or county facility as an inmate firefighter or who is assigned to a county or state correctional institution as an inmate firefighter and who is eligible to earn one day of credit for every one day of incarceration pursuant to Section 4019 shall instead earn two days of credit for every one day served in that assignment or after completing that training.

(c) In addition to credits granted pursuant to subdivision (a) or (b), inmates who have successfully completed training for firefighter assignments shall receive a credit reduction from his or her term of confinement.

(d) The credits authorized in subdivisions (b) and (c) shall only apply to inmates who are eligible after October 1, 2011.

SEC. 2. Section 4101 of the Penal Code is amended to read:

4101. In each county an industrial farm ~~or~~, industrial road camp, *or conservation camp* may be established under ~~the provisions of~~ this article.

SEC. 3. Section 4102 of the Penal Code is amended to read:

4102. Before establishing an industrial farm ~~or~~, industrial road camp, *or conservation camp* in ~~any county~~ *a county*, the board of supervisors ~~thereof~~ *of the county* shall adopt a resolution of its intention so to do. The resolution shall state an amount per person per day for which persons from incorporated cities will be maintained on an industrial farm, *industrial road camp, or conservation camp*. Certified copies of the resolution shall be forwarded by the clerk of the board of supervisors to the clerks of all incorporated cities within the county.

SEC. 4. Section 4103 of the Penal Code is amended to read:

1 4103. (a) Upon receipt of the resolution as provided in Section
2 4102, the legislative body of any incorporated city wishing to avail
3 itself of the use of a proposed industrial farm, *industrial road camp*,
4 *or conservation camp* shall adopt a resolution setting forth the
5 following matters:

6 ~~1.~~

7 (1) The number of persons sentenced to imprisonment in the
8 jail of ~~such~~ that city during the fiscal year last preceding the
9 adoption of the resolution of intention by the board of ~~supervisors~~;
10 *supervisors*.

11 ~~2.~~

12 (2) The total number of days for which all ~~such~~ persons were
13 imprisoned in the jail of the city during ~~such~~ that fiscal ~~year~~; *year*.

14 ~~3.~~

15 (3) A declaration of the desire of the city adopting the resolution
16 to have the prisoners of the city cared for by the county ~~on the~~ at
17 the industrial farm ~~or~~, *industrial road camp, or conservation camp*
18 and of the agreement of the city to pay the county quarterly for
19 the care of the prisoners of the city at the rate set forth in the
20 resolution of intention.

21 ~~A~~

22 (b) A certified copy of the resolution provided for in this section
23 shall be forwarded to the clerk of the board of supervisors.

24 SEC. 5. Section 4104 of the Penal Code is amended to read:

25 4104. ~~Any~~ A board of supervisors ~~having~~ that has adopted a
26 resolution of intention to establish an industrial farm ~~or~~, *industrial*
27 *road camp, or conservation camp* shall ascertain and enter in its
28 minutes the following facts:

29 (a) The number of persons sentenced to imprisonment in the
30 county jail during the fiscal year last preceding the adoption of the
31 resolution of intention.

32 (b) The total number of days for which all persons were
33 imprisoned in the county jail during that fiscal year.

34 (c) The number of persons sentenced from the superior court
35 of the county to any state prison upon conviction of a violation of
36 Section 270 or Section 270a during that fiscal year.

37 (d) The total number of days for which all persons ~~so~~ sentenced
38 to state ~~prisons~~ *prison as described in subdivision (c)* were ~~therein~~
39 imprisoned *in state prison* during that fiscal year.

40 SEC. 6. Section 4105 of the Penal Code is amended to read:

4105. Upon ascertaining the facts provided for in Sections 4102 to 4104, inclusive, the board of supervisors may proceed to establish an industrial farm ~~or~~ , industrial road camp , or conservation camp. *The farm or camp may be established as part of the county jail, and, if established, shall be operated by the sheriff or director of the county department of corrections, or as an entity separate from the county jail.*

SEC. 7. Section 4108 of the Penal Code is amended to read:

4108. ~~The~~ *In a county in which an industrial farm, industrial road camp, or conservation camp is established as an entity separate from the county jail, the board of supervisors shall employ a superintendent of an industrial that farm or camp and such any other subordinate persons as may be necessary for the proper administration thereof of the farm or camp and the keeping of the prisoners imprisoned thereon assigned to the farm or camp. As part of the compensation to be agreed upon for such that superintendent and other persons persons, board and lodging may be furnished.*

SEC. 8. Section 4109 of the Penal Code is amended to read:

4109. ~~The~~ *In a county in which the industrial farm, industrial road camp, or conservation camp is made a part of the county jail, the sheriff or director of the county department of corrections shall establish rules governing the administration of the farm or camp consistent with the rules of the jail. In a county in which the farm or camp is established as an entity separate from the county jail, the board shall also adopt rules governing the administration of a farm or camp formed under the provisions of this article and discipline thereon at that farm or camp in furtherance of the purposes of this article, which rules shall be enforced by the superintendent and those subordinate to him or her.*

SEC. 9. Section 4110 of the Penal Code is amended to read:

4110. If women are to be sentenced assigned to an industrial farm or conservation camp, the board of supervisors establishing it shall provide thereon at the farm or camp for separate quarters for women prisoners, or may establish a separate industrial farm or camp for women prisoners. ~~Nothing in the~~ *This section shall be construed to does not impose any requirement upon a county to confine male and female prisoners in the same or an adjoining facility or impose any duty upon a county to establish or maintain*

1 programs ~~which~~ *that* involve the joint participation of male and
2 female prisoners.

3 SEC. 10. Section 4111 of the Penal Code is amended to read:

4 4111. If a separate *industrial farm or conservation camp* for
5 women prisoners is established *pursuant to Section 4105*, it shall
6 be considered ~~as a part of the industrial farm or conservation camp~~
7 of the county within the meaning of all provisions of this article,
8 except that ~~none~~ *but only* women prisoners shall be admitted to it.
9 A woman ~~assistant to the deputy sheriff, assistant to the director~~
10 ~~of the county department of corrections, or superintendent of an~~
11 ~~industrial~~ *a farm or camp* shall be in immediate charge of any farm
12 *or camp* established for women prisoners only.

13 SEC. 11. Section 4112 of the Penal Code is amended to read:

14 4112. When land has been acquired and ~~such~~ *those* buildings
15 and structures erected and improvements made as may be
16 immediately necessary for the carrying out of the purposes of this
17 article or arrangements have been made for an *industrial farm,*
18 *industrial road camp or camps, or conservation camp,* the board
19 of supervisors shall adopt a resolution proclaiming that an industrial
20 farm ~~or, industrial road camp, or conservation camp~~ has been
21 established in the county and designating a day on and after which
22 persons will be admitted to ~~such~~ *that* farm or camp. Certified copies
23 of the resolution shall be forwarded by the clerk of the board of
24 supervisors to each superior court judge in the county.

25 SEC. 12. Section 4121 of the Penal Code is amended to read:

26 4121. The cost of establishing and maintaining an industrial
27 farm, *industrial road camp, or conservation* ~~or industrial road~~
28 camp formed under this article shall be paid out of the county
29 general fund. Any revenue derived from ~~such~~ *the* farm or camp,
30 including that received from any city for the care of its prisoners
31 ~~on said~~ *at the farm or camp*, shall be paid into the county general
32 fund.

33 SEC. 13. Section 4129 of the Penal Code is amended to read:

34 4129. (a) For the purpose of making the payments designated
35 in this ~~article~~ *article*, the board of supervisors ~~shall by order shall,~~
36 *by order,* provide the *sheriff, director of the county department of*
37 *corrections, or superintendent* with a revolving fund. Upon order
38 of the board of supervisors, the county auditor shall draw a warrant
39 in favor of the *sheriff, director of the county department of*
40 *corrections, or superintendent of an industrial farm or, industrial*

1 *road camp, or conservation camp* and the county treasurer shall
2 cash it. Thereafter the superintendent shall receive from the county
3 general fund upon demands supported by receipts all sums paid
4 out by him *or her* under ~~the provisions of~~ this section and shall
5 return all sums so received to the revolving fund.

6 ~~The provisions of~~
7 (b) Section 29323 of the Government Code ~~are~~ *is* applicable
8 to a revolving fund established pursuant to this section.

9 SEC. 14. Section 4130 of the Penal Code is amended to read:
10 4130. So far as practicable, those in custody on an industrial
11 farm shall be employed in productive labor. The products of an
12 industrial farm shall be used: ~~first, to~~ *for the following purposes,*
13 *in order of priority:*

14 (a) *To maintain the prisoners and employees on* ~~such farm;~~
15 ~~second, to that farm.~~

16 (b) *To supply other county institutions having in need of the*
17 ~~same with the farm's products; third, to supply products.~~

18 (c) *To supply other districts and municipal corporations in need*
19 *within the county with the farm's products.*

20 (d) *To supply the needs of paupers, incompetents, poor and*
21 *indigent persons and those incapacitated by age, disease or accident*
22 *with whose relief and support the county is charged.*

23 SEC. 15. Section 4131 of the Penal Code is amended to read:

24 4131. Subject to regulations adopted by the board of ~~supervisors~~
25 *supervisors*, the superintendent, *sheriff, or director of the county*
26 *department of corrections* shall maintain discipline ~~on~~ *at* an
27 industrial farm, *industrial road camp, or conservation camp*.
28 Whenever the superintendent, *sheriff, or director of the county*
29 *department of corrections* reports to the county classification
30 committee ~~which that~~ assigned ~~any~~ a prisoner to an industrial farm
31 ~~or, industrial road camp, or conservation camp~~ that the prisoner
32 refuses to abide by the rules of, *or work at*, the farm or camp ~~or~~
33 ~~refuses to work thereon~~, the committee may make an order
34 transferring the prisoner to the county jail or city jail for the
35 unexpired term of his *or her* sentence, and all sums credited to the
36 prisoner shall be forfeited by him *or her* unless they have been
37 ordered paid to some person dependent upon him *or her*. Thereafter
38 the committee may reassign the person to the industrial farm ~~or~~,
39 *industrial road camp, or conservation camp*, upon recommendation

1 of the superintendent, *sheriff, or director of the county department*
2 *of corrections* of the farm or camp.

3 SEC. 16. Section 4131.5 of the Penal Code is amended to read:

4 4131.5. Every person confined in, sentenced to, or serving a
5 sentence in, a city or county jail, industrial farm, ~~or industrial road~~
6 *camp, or conservation camp* in this state, who commits a battery
7 upon the person of any individual who is not himself or herself a
8 person confined or sentenced therein, is guilty of a public offense
9 and is punishable by imprisonment pursuant to subdivision (h) of
10 Section 1170, or in a county jail for not more than one year.

11 SEC. 17. Section 4133 of the Penal Code is amended to read:

12 4133. The boundary of every industrial farm, *industrial road*
13 *camp, or conservation camp* established under the provisions of
14 this article shall be marked by a fence, ~~hedge a hedge,~~ or by some
15 other visible line. Every person confined ~~on any industrial~~ at a
16 farm *or camp* who escapes ~~therefrom~~ or attempts to escape
17 ~~therefrom~~ *from that farm or camp* shall upon conviction ~~thereof~~
18 be imprisoned in ~~a the~~ state prison; or ~~in the~~ a county jail, or
19 ~~industrial~~ assigned to an industrial farm, *industrial road camp, or*
20 *conservation camp* for not to exceed one year. ~~Any such~~ This
21 imprisonment *or assignment* shall begin at the expiration of the
22 imprisonment *or assignment* in effect at the time of the escape.

23 SEC. 18. Section 4134 of the Penal Code is amended to read:

24 4134. ~~Any~~ A board of supervisors ~~which that~~ has established
25 or desires to establish an industrial farm ~~or~~, industrial road camp,
26 *or conservation camp* may at any time appoint an advisory board
27 to consist of not less than three nor more than five persons, one
28 member of which shall be a penologist and one member a
29 physician.

30 SEC. 19. Section 4135 of the Penal Code is amended to read:

31 4135. The advisory board shall acquaint itself with the conduct
32 of the jails in the county, keep itself informed about the
33 administration of the industrial farm ~~or~~, industrial road camp, *or*
34 *conservation camp* and report its recommendations and suggestions
35 to the board of supervisors. It may visit any jail within the county,
36 examine the records thereof, and ascertain whether or not there
37 are any persons illegally committed to or detained at any jail.

38 The advisory board shall encourage recreational and educational
39 activities on the ~~industrial~~ farm *or camp*.

40 SEC. 20. Section 4136 of the Penal Code is amended to read:

1 4136. Sections 4011, 4011.5, 4011.6 and 4011.7 are applicable
2 to county industrial farms, county industrial road camps, ~~and~~ joint
3 county road camps, *and conservation camps* established pursuant
4 to this chapter.

5 SEC. 21. Section 4137 of the Penal Code is amended to read:

6 4137. The board of supervisors of any county in which a county
7 industrial farm, industrial road camp, *conservation camp*, or honor
8 camp has been established may, by ordinance, authorize the sheriff
9 or any such person responsible to the board for the care, treatment,
10 and custody of prisoners assigned to him *or her* as sentenced
11 misdemeanants or felons, serving time as a condition of probation,
12 to remove ~~such~~ *those* prisoners from the facility to which they
13 have been assigned under custody, without court order, for
14 purposes such as: private medical, vision, or dental care,
15 psychological care, vocational services, educational services, and
16 funerals.

17 SEC. 22. Section 4951 of the Public Resources Code is
18 amended to read:

19 4951. (a) In enacting this chapter, it is the purpose of the
20 Legislature to declare the existence of ~~a~~ California Conservation
21 Camp ~~program~~ *programs*, which include state and county
22 *conservation camp programs*, to provide for the training and use
23 of the inmates and wards assigned to conservation camps in the
24 furtherance of public conservation.

25 ~~It~~

26 (b) *It* is the policy of this state to require the inmates and wards
27 assigned to ~~such~~ *conservation* camps to perform public
28 conservation ~~projects~~ *projects*, including, but not limited to, forest
29 *and brush* fire prevention and control, forest, *brush*, and watershed
30 management, recreation, fish and game management, soil
31 conservation, and forest and watershed revegetation.

32 ~~It~~

33 (c) *In* order to effect the maximum possible conservation and
34 development of natural resources for the benefit of the people of
35 this state, whenever reasonably possible, conservation projects of
36 a multiple purpose nature shall be undertaken by the California
37 Conservation ~~Camps~~ *Camp programs*. The various agencies
38 concerned with conservation projects shall consult and advise with
39 each other to promote these multiple-purpose conservation projects

1 and in order to achieve this goal may enter into ~~such~~ those contracts
2 as may be necessary.

3 (d) *This chapter does not require a county to create or*
4 *participate in a county conservation camp program.*

5 SEC. 23. Section 4952 of the Public Resources Code is
6 amended to read:

7 4952. As used in this chapter, “California Conservation Camps”
8 or “camps” means any camps now or hereafter established, as
9 provided by law, for the purpose of receiving prisoners committed
10 to the custody of the ~~Director~~ *Secretary of the Department of*
11 *Corrections* ~~Director of the Youth Authority, and in which the~~
12 ~~work projects performed by the inmates or wards are supervised~~
13 ~~by employees of the department and Rehabilitation or the sheriff,~~
14 *and in which the work projects performed by the inmates or wards*
15 *are supervised by employees of either the Department of*
16 *Corrections and Rehabilitation, the board of supervisors, the*
17 *sheriff, or the director of the county corrections department in a*
18 *county participating in the operation of or operating a conservation*
19 *camp program.*

20 SEC. 24. Section 4953 of the Public Resources Code is
21 amended to read:

22 4953. (a) ~~The department~~ *Department of Corrections and*
23 *Rehabilitation* shall utilize inmates and wards assigned to
24 conservation camps in performing fire prevention, fire control,
25 and other work of the department. At times it deems proper and
26 on terms it deems wise, ~~the department~~ *Department of Corrections*
27 *and Rehabilitation* may enter into contracts or cooperative
28 agreements with a public agency, local, state, or federal, or with
29 a qualified nonprofit organization that has a demonstrated ability
30 to plan, implement, and complete a conservation project and meets
31 other criteria, as determined by the department, for the performance
32 of other conservation projects that are appropriate for those public
33 agencies or that nonprofit organization under policies that shall be
34 established by the Prison Industry Authority. The charge for the
35 service shall be determined by the ~~director~~ *Secretary of the*
36 *Department of Corrections and Rehabilitation.* All these contracts
37 are subject to the approval of the director and the Director of
38 General Services.

39 (b) For the purposes of this section, “nonprofit organization”
40 means any California corporation exempt from taxation under

1 Section 501(c)(3), 501(c)(4), or 501(c)(5) of the federal Internal
2 Revenue Code.

3 SEC. 25. Section 4956 of the Public Resources Code is
4 amended to read:

5 4956. (a) The conditions of work to be performed under such
6 contracts or agreements *entered into pursuant to Section 4953*
7 shall be consistent with the requirements, as determined by the
8 ~~Director of Corrections and the Director of the Youth Authority~~
9 *Secretary of the Department of Corrections and Rehabilitation*,
10 for maintaining control of inmates or wards committed to ~~their~~ *his*
11 *or her* respective custody.

12 (b) *A county sheriff may utilize inmates assigned to county*
13 *conservation camps in performing fire prevention, fire suppression*
14 *and control, and other work as may be assigned by the sheriff.*

15 SEC. 26. Section 4957 of the Public Resources Code is
16 amended to read:

17 4957. (a) Conservation camp inmates and wards may be
18 utilized in the rescue of lost or injured persons, the saving of life,
19 and the protection of property. ~~The department~~ *Department of*
20 *Corrections and Rehabilitation or a county sheriff* may cooperate
21 with local agencies of government to accomplish these purposes.

22 ~~The department~~

23 (b) *The Department of Corrections and Rehabilitation or a*
24 *county sheriff* may also, upon the request of the appropriate local
25 agency, utilize conservation camp inmates and wards in the
26 performance of watershed revegetation and related work necessary
27 to prevent flood damage to land resulting from the destruction of
28 vegetation by fire.

29 SEC. 27. Section 4959 is added to the Public Resources Code,
30 to read:

31 4959. Conservation camp inmates or wards assigned to a
32 California Conservation Camp that is operated by the state or that
33 is a county-operated conservation camp under the direction of the
34 county sheriff shall be required to comply with the requirements
35 of Section 4019.2 of the Penal Code.